

APPEAL NO. 040392  
FILED APRIL 14, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 20, 2004. The hearing officer resolved the disputed issue by deciding that, with the exception of the contusion to the appellant's (claimant) back, which the respondent (carrier) had accepted as compensable, the claimant's compensable injury of \_\_\_\_\_, does not extend to or include the claimant's cervical spine or thoracic spine, and that the claimant's compensable injury does not extend to or include a back strain, protruding discs at the C5-6, T9-10, and T10-11 levels, or a herniated disc at the C6-7 level. The claimant appeals the hearing officer's decision on the extent of her compensable injury, contending that the evidence proves that she sustained severe injuries to her thoracic and cervical spine. The carrier asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed.

The claimant testified that she was working as a checker at a grocery store when an empty shopping cart was jerked from her hand and the cart then struck her in the back. Conflicting evidence was presented on the issue of the extent of the claimant's compensable injury. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. Although there is conflicting evidence in this case, we conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **THE INSURANCE COMPANY OF THE STATE OF PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
701 BRAZOS, SUITE 1050  
AUSTIN, TEXAS 78701.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Edward Vilano  
Appeals Judge